

## REMARKS

In accordance with the foregoing, claims 21 and 23 are amended herein to correct informalities and correct the spelling of the term "form" to --form--. No new matter is presented, and approval and entry of the amended claims are respectfully requested.

Claims 13-24 are pending and under consideration. Reconsideration is requested.

### Traverse of Rejections

In item 4 of the Office Action, the Examiner rejects independent claims 13, 21, 23, and 24 (and dependent claims 14-15, 18-20, and 22) under 35 U.S.C. §102(e) as being anticipated by US Patent Publication 2004/0184471 A1 to Chuah et al (hereinafter "Chuah"). (See, Office Action at pages 3-7). In item 8 of the Office Action, the Examiner rejects dependent claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Chuah in view of US Patent 6,496,551 B1 to Dam et al (hereinafter "Dam"). (See, Office Action at pages 9-10).

The rejections are traversed.

As set forth in MPEP §2131, to establish anticipation under §102, the reference relied on in support of the rejection must teach each and every element of the claim and the identical invention must be shown in as complete detail as in the claim.

Independent claim 13 recites a method for transmission in a radio communication system of at least one data block from a base station to a plurality of subscriber terminals in accordance with a point-to-multipoint transmission including "transmitting, by the base station to a selected group from receiving subscriber terminals, an explicit request for signaling of information with respect to reception of the at least one data block"; and initiating at least one subsequent transmission of one of the at least one data block by the base station according to the information received from the selected group of subscriber terminals." (Emphasis added). Independent claims 21, 23, and 24 have similar recitations.

Applicants submit that Chuah does not teach all of the features recited by each of the independent claims. By contrast with claim 13, Chuah merely teaches:

FIG. 6(a) . . . diagram describing a transmission offset technique from the viewpoint of a sender of a multicast message . . . Initially, a sender (transmitter), such as a base station transceiver, for example, may encode (S602) a multicast message into M data blocks. The first block may be independently decodable, and subsequent blocks may be a repetition of the first block, e.g., incremental redundancy data blocks. The transmitter may then transmit (S604) the starting block of the multicast message over a downlink channel to all groups of users, e.g., each i-th group.

(See, for example, paragraph [0037]).

That is, Chuah merely teaches that a group is the group of users receiving a service, and that a base station does not select a group by transmitting an explicit request.

Applicants submit that Chuah does not teach that a base station selects the group of user by transmitting a request to these users, and thus, does not teach a method including "transmitting, by the base station to a selected group from receiving subscriber terminals," as recited by independent claim 13, for example.

By further contrast with claim 13, Chuah merely teaches

After transmission begins, the transmitter listens (S606) for responses in  $N \times K$  responding timeslots from each  $i$ -th group of users (each  $i$ -th group responds in order of their radio condition). The parameter  $K$  is a configurable delay constraint parameter that may be utilized to control maximum delay between multicast message transmissions. The parameter  $N$  represents the number of groups of users, and  $N \times K$  ( $NK$ ) may represent the maximum delay (in terms of timeslots) that the transmitter needs to wait before moving on to the next multicast message. If the transmitter hears a NACK (output of S608 is YES) in one of the  $NK$  timeslots, transmit (S610) the next block for the same message and repeat function S606. If the transmitter does not hear a NACK in any of the  $NK$  timeslots slots (output of S608 is NO), the transmitter clears its buffer and fetches the next multicast message (S611), and repeats function S602.

(See, for example, paragraph [0038]).

That is, Chuah merely teaches all terminals signal feedback continuously for all data blocks.

Thus, Chuah does not teach that a terminal only signals feedback for a specific data block after having received an explicit request to do so, and thus does not teach "an explicit request for signaling of information with respect to reception of the at least one data block," as recited by claim 13, for example.

Since all of the features recited by each of the independent claims are not taught by Chuah, the §102 rejection of independent claims 13, 21, 23, and 24 should be withdrawn.

\* \* \*

The Examiner relies on the teaching of Dam regarding signaling and access bursts (see, for example, page 9). Applicants submit that the teachings in Dam do not overcome the deficiencies in the teaching of Chuah discussed above.

Thus, even an *arguendo* combination of the art of record does not teach all of the features recited by each of the independent claims.

\* \* \*

Dependent claims 14-20 depending from independent claim 1, and claim 22 depending from independent claim 21, inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the reason discussed above. Thus, the rejections should be withdrawn and dependent claims 14-20 and 22 allowed.

**Conclusion**

Since features recited by independent claims 13, 21, 23, and 24 (and dependent claims 14-20, and 22) are not taught by even an *arguendo* combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 13-24 allowed.

**Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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